

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IPXPHARMA, LLC,

Plaintiff,

v.

MILLENNIUM
PHARMACEUTICALS, INC.,

Defendant.

Case No. 3:14-cv-01545

JURY DEMANDED

**PLAINTIFF'S MOTION FOR LEAVE TO FILE A MEMORANDUM IN
SUR-REPLY TO DEFENDANT'S MOTION TO DISMISS**

Plaintiff, IPXpharma LLC, respectfully moves this Court pursuant to Local Rule 7.01(b) for permission to file a memorandum in sur-reply to the Motion to Dismiss filed on September 3, 2014 by Millennium Pharmaceuticals, Inc.

IPXpharma submits that it has good cause for leave to file a Memorandum in Sur-Reply to respond to Millennium's argument that IPXpharma lacks standing to sue for past damages. (The proposed Memorandum is attached hereto as Ex. A.) Millennium's argument was raised for the first time in its Reply Memorandum. [Docket Entry 43]. IPXpharma would like to present additional evidence that will clarify its standing to sue for past infringement. Therefore, IPXpharma respectfully requests that the Court permit it to file its Memorandum in Sur-Reply.

DATED: October 1, 2014

Respectfully submitted,

s/ Clarence J. Gideon Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on this the 1st day of October, 2014, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing, to the following attorneys of record:

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s/ Clarence J. Gideon, Jr.